

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, JUNE 12, 2013

9:00 a.m. VEGA V. COMMONWEALTH OF KENTUCKY (2012-SC-111-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

"Criminal Law. Concealed Weapon. Issues include whether a gun in a vehicle is considered concealed when partially obscured by an item."

Discretionary Review granted 11/14/2012

Fayette Circuit Court, Judge Pamela Goodwine

Attorney for Appellant: Amy Rebecca Duncliffe

Attorneys for Appellee: Larry S. Roberts and Carlos Aundra Ross

(Note: Justice Keller is recused)

10:00 a.m. COMMONWEALTH OF KENTUCKY V. BUCALO (2012-SC-123-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

"Criminal Law. Search and Seizure. Issues include whether probable cause existed to delay a traffic stop for a drug sniffing canine unit to arrive."

Discretionary Review granted 10/17/2012

Hardin Circuit Court, Judge Ken Howard

Attorney for Appellant: Todd Dryden Ferguson

Attorney for Appellee: Erin Hoffman Yang

**11:00 a.m. CURD V. KENTUCKY STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
(2012-SC-165-DG) AND KENTUCKY STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS V. CURD
(2012-SC-169-DG)**

[Appellant's Brief](#) (2012-SC-165-DG)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

[Appellant's Brief](#) (2012-SC-169-DG)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Administrative Law. Professional Discipline. KRS 322.180. Issues include whether the statutes and regulations, under which a land surveyor's license was suspended for six months, are unconstitutionally void for vagueness as applied to the alleged intentional attempt to mislead a court in expert testimony."

Discretionary Review granted 12/12/2012

Franklin Circuit Court, Judge Thomas D. Wingate

Attorney for Curd: Robert V. Bullock

Attorney for Ky. State Board of Licensure: Jonathan Buckley

THURSDAY, JUNE 13, 2013

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. HAWKINS (2011-SC-159-DG) AND (CROSS-MOTION) HAWKINS V. COMMONWEALTH OF KENTUCKY (2012-SC-187-DG)**
[Appellant's Brief](#)
[Appellee/Cross-Appellant's Brief](#)
[Appellant's Reply/Cross-Appellee's Brief](#)
[Cross-Appellant's Reply Brief](#)
"Criminal Law. Search and Seizure. Emergency Aid Exception. Issues include the breadth of the "emergency aid" exception to the search warrant requirement."
Discretionary Review granted 3/14/2012 and 5/16/2012
Anderson Circuit Court, Judge Charles R. Hickman
Attorney for Appellant/Cross Appellee: John Paul Varo
Attorney for Appellee/Cross Appellant: Brandon Neil Jewell
(Note: Justice Keller is recused)
- 10:00 a.m. KENTUCKY NEW ERA, INC. V. CITY OF HOPKINSVILLE, KENTUCKY (2012-SC-290-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Open Records. KRS 61.878(1) Exemptions. Issues involve the scope of multiple open records exemptions as applied to a media request for city police department arrest citations and reports over an eight-month period for stalking, terroristic threatening, harassment and harassing communications. "
Discretionary Review granted 12/12/2012
Christian Circuit Court, Judge Andrew C. Self
Attorneys for Appellant: Jon L. Fleischaker and Jeremy Stuart Rogers
Attorneys for Appellee: Howard Douglas Willen and John Foster Cotthoff
- 11:00 a.m. NICHOLS V. ZURICH AMERICAN INSURANCE COMPANY (2012-SC-317-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Automobile Insurance. Contract law. Mutual Mistake. Issues include whether the equitable defense of mutual mistake was properly asserted to void underinsured motorist coverage."
Discretionary Review granted 12/12/2012
Jefferson Circuit Court, Judge Irvin G. Maze
Attorneys for Appellant: Kevin Crosby Burke and Udell Barry Levy
Attorneys for Appellee: Robert E. Stopher and Robert Dmitri Bobrow

FRIDAY, JUNE 14, 2013

- 9:00 a.m. MIAMI MANAGEMENT COMPANY, INC., ET AL. V. ELGAN BRUNER, ET AL. (2012-SC-318-DG)**
[Appellants' Brief](#)
[Appellees' Brief](#)
[Appellants' Reply Brief](#)
[Amicus Curiae Brief](#)
"Torts. Open and Obvious Doctrine. The issue in this case, arising out of a fall in a restaurant parking lot which had been plowed and salted after a winter storm, involves the applicability of Kentucky River Medical Center v. McIntosh, 319 S.W.3d 385 (Ky. 2010)."
Discretionary Review granted 12/12/2012
Jessamine Circuit Court, Judge C. Hunter Daugherty
Attorneys for Appellants: John William Walters, Melissa Thompson, Kellie Marie Collins, and Matthew Warren Barszca
Attorneys for Appellees: Ronald Scott Wilder and Christopher F. Douglas
(Note: Justice Keller is recused)
- 10:00 a.m. DEAN V. COMMONWEALTH BANK & TRUST COMPANY (2012-SC-267-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
[Amicus Curiae Brief](#)
"Uniform Commercial Code. KRS 355.4-111; KRS 355.4-405; KRS 355.4-406. Issues include whether the statute of limitations in KRS 355.4-111 or the provisions of KRS 355.4-406 bar the plaintiff's UCC and common-law fraud, breach of contract, breach of duty and negligence claims."
Discretionary Review granted 12/12/2012
Shelby Circuit Court, Judge Charles R. Hickman
Attorneys for Appellant: Laurence John Zielke, Nancy Jane Schook, and Karen Denise Campion
Attorneys for Appellee: John T. McGarvey, Eric Michael Jensen, and Bradley Scott Salyer
- 11:00 a.m. SITAR V. COMMONWEALTH OF KENTUCKY, ET AL. (2012-SC-737-DGE)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Family Law. Domestic Violence. KRS 403.725 and 403.720. Issues include whether or not the family court had jurisdiction to enter an Emergency Protective Order based upon faulty or incomplete information in the petition and whether or not the petition sufficiently established the existence of an immediate and present danger of domestic violence."
Discretionary Review granted 2/13/2013
Crittenden Circuit Court, Judge William E. Mitchell
Attorney for Appellant: Kathleen Kallaher Schmidt
Attorney for Appellee: Mary Elizabeth Rohrer